

Conscription: Individual Liberty Versus Duty
A Historical Comparison of the Civil War and the Vietnam War

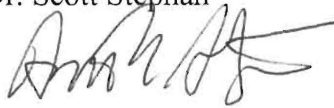
An Honors Thesis (HIST 440)

by

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A handwritten signature in black ink, appearing to read "Scott Stephan", with a stylized flourish at the end.

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Abstract

The American Civil War and the Vietnam War may seem like they have absolutely no similarities aside from the fact that Americans were involved in both. However, both wars experienced drafts that caused more civil insurrections and dissatisfaction than any other two wars. By using comparative history, I was able to cross time and place to link these two wars intimately. In both wars, the draft tore America apart, intensified class struggles, and hurt nationalism nationwide. In this research paper, I discuss the two wars, the drafts, and the effects of the draft on the home front. This research shows a bridge between wars fought one hundred years apart and just how innately linked they are through conscription and civil ideas on individual liberty versus patriotism.

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America's history is built on a foundation of war and democracy. After all, in a simplified version the United States was founded by rebels who refused to pay taxes without representation and who went to war with one of the greatest militaries of the world to protect their democratic beliefs. When a country as powerful and influential as the United States must protect itself or democracy, war is inevitable. The government raises the call to arms and volunteers gallantly offer their services to Uncle Sam. Sometimes the enlisted men do not create a large enough fighting force for the bloody wars we endure to stay powerful and influential. In those moments, the government must choose between pacification and forcing their able-bodied into service to continue onward with the cause.

In America, the draft has been the norm since the English colonists arrived. With them, they brought their county militia system where everyone would train and possibly fight under an officer. The American Revolution saw men drafted into state militias and in 1789 the Constitution gave Congress the ability to "raise and support armies".¹ However, this power mainly stayed in the states' hands. It was not until the Civil War where conscription became a federal power. Both the Union and the Confederate States of America used the draft to boost their numbers on the battlefield. Since then, conscription has been used in every war until the early 1970s (after the Vietnam War) when an all-volunteer army was established.²

America is a country so powerful that it must fight many wars and it requires a large force to be the victor. However, America is built on democracy; the country was

¹ Eric Foner, and John A. Garrity, *The Reader's Companion to American History: Conscription*, (Boston: Houghton Mifflin, 1991).

² Ibid.

built on the cornerstone of individual liberty. So how is a draft legal? How is it democratic? How can a nation force one to bear arms and fight an enemy? Is one treasonous if he does not wish to fight? Is one unpatriotic? These questions have been at the focus of every draft and war. Throughout the many wars that have called for conscription in America, none have created more dissension or more turmoil than the American Civil War and the Vietnam War. In no other war has the cause for fighting been called more into question. In no other war has the debate between patriotism and individual rights been more catastrophic. Arrests, losses of life, rioting, desertion, and exile have never been so commonplace in wartime.

The Civil War and the Vietnam War were a century apart and many would say unrelatable. One was fought in a foreign country filled with jungles and rice paddies; the other had battlefields dotted across the once unified country. One was fought against a foreign regime; one was fought between brothers. The uniting factor between these wars was conscription and the reactions to it. During both wars, the nation did not sit well with drafting and dissent was commonplace. In no other American wars has the powder keg of drafting caused such destruction to the cause and to the nation.

As mentioned previously, conscription, better known as drafting, has never been uncommon. Many countries across the globe require mandatory military service from their citizens; even in America, until January 1973, national conscription was the norm. In general since the country's founding, the American military has been composed mainly of volunteers, yet the draft has been instituted several times to reinforce the volunteers and to make up for a lack of manpower. The Civil War was the first to have a national conscription put into action by the federal governments on both sides of the

conflict. Both the Union and Confederacy had national conscriptions that were faced with heavy opposition. Both sides had to respond to draft dodgers, bounty jumpers, deserters, and civil unrest that sometimes resulted in extreme violence.

During the Civil War, the Union had a huge advantage in terms of manpower and numbers. The North had an approximate population of twenty million while the Confederacy had nine million with a slave population numbering near three and a half million. The rural South with its sprawling farms and plantations was much less inhabited than the manufacturing north with its major metropolises. The Union had a human resource advantage of three to one.³ This was a massive problem for the Confederacy that eventually had to be dealt with by instituting a draft. Despite their numeric advantage the Union had to resort to a draft to maintain their numbers throughout the war. When war broke out in 1861, the Union and the Confederacy had a flood of volunteers and a draft was unnecessary. Men across the nation eagerly joined the fight for their cause. The carnage and death toll shocked both sides and gave pause to future volunteers and conscripts alike.

The Confederate State of America (CSA) enacted the first conscription act of the war on April 15, 1862. This act required all able-bodied white men between the ages of eighteen and thirty-five to register for the draft.⁴ The Confederacy refused to arm slaves, which took away a sizeable portion of their fighting force because of their nine million

³ Henry Dethloff, and Gerald Shenk, *Citizen and Soldier: A Sourcebook on Military Service and National Defense from Colonial America to the Present*, (New York City: Routledge, 2011), 40.

⁴ Allen Burton Moore, *Conscription and Conflict in the Confederacy*, (New York City: MacMillan Company, 1924), 13.

population, three and a half million individuals were slaves⁵. At this time, the first year of the war was about to come to a close and the original volunteer fighting force, known as “twelve months’ men,” was about to see the end of their year-long contracts. This created a quandary for the C.S.A. The Confederate Congress decided by ratifying this act they could force able-bodied men into the military; more than two-thirds of congressmen and senators voted for the draft because they were aware of the need for more soldiers to defend against the Union.⁶ Furthermore, the government lengthened the service terms of all “twelve months’ men” to three years from their original enlistment date.⁷ This allowed the Confederate Army to retain a trained fighting force while procuring fresh manpower.

Not all who men between the ages of eighteen and thirty-five were forced to enter into service; the government had a long list of exemptions that allowed individuals in certain occupations or circumstances to stay home. For example, all mail carriers, ferrymen, ministers, miners, college professors and presidents, superintendents and nurses in insane asylums, telegraph operators, employees of railroads and river routes, and boat pilots were some of the few that did not have to report for duty.⁸ The government considered these men its producers or men that were necessary to keep the CSA functioning at home. Because the Confederacy was a new nation, it wished to maintain trade, education, agriculture, and their economy. Leaders thought by allowing

⁵ Dethloff and Shenk. *Citizen and Soldier*. 40.

⁶ James M. McPherson, *Battle Cry of Freedom: The Civil War Era*, (New York City: Oxford University Press, 1988), 430.

⁷ Ibid. 16

⁸ Ibid. 53.

producers to stay home, their new country would benefit. Naturally, this caused a sharp increase in the popularity of these occupations as men flooded into them to avoid combat.

With so many white men going into war, some planters were worried about the safety of their property and their communities. A common concern by this group was a slave insurrection while the men were away. Without white men to suppress revolts, planters were alarmed and weary. Therefore, they used their influence to pass another exemption on October 11, 1862 that allowed all slave owners with more than twenty slaves to be exempt from the draft so long as they paid a five hundred dollar fee.⁹ This act was commonly called “The Twenty Nigger Law.” The idea behind the legislation was to keep cities and citizens safe from slave rebellions that in planters’ minds would undoubtedly happen without masters there to control and contain them. A rural landscape of women and children had formed in the Confederacy due to the high rate of volunteers who had left the home front and were on the front lines. White women slave owners, the mistresses of the plantations, had never disciplined slaves and many believed that they would not be able to stop an insurrection. Therefore, this exemption was supposedly to protect the families of white slaveholders. This exemption was nothing if not a powder keg issue. Only five percent of southerners owned more than twenty slaves; those that did were especially wealthy and therefore powerful with substantial political and economic influence.¹⁰ Many considered this pure class legislation and were outraged that their loved ones were fighting a war to protect the southern institution of slavery while the rich, powerful slave owners were allowed to stay home. This exemption greatly hurt the home front morale and only heightened resentments against the draft.

⁹ Ibid. 65.

¹⁰ McPherson, *Battle Cry of Freedom*. 611-612.

Slavery was a Confederate institution and when conscription was made law, many southerners associated the draft with slavery. In the opinion of many, it was unlawful to demand that a free white man go into combat for three years and be faced with the very real concern that he would die. Additionally, many believed that the draft discriminated against the poor. Not only were the top members of the planter class exempt, but also the act allowed for any man to hire a substitute.

Substitutes were in such high demand that their prices skyrocketed beyond the reach of the average man. The market price of substitutes mounted to one thousand five hundred dollars all the way to four thousand.¹¹ One man in Hanover County, Virginia even advertised two hundred and thirty acres in exchange for a substitute.¹² These grand sums were not viable for the common man, so he unfairly saw his fate in a gray uniform.

The discontent both by civilians and by soldiers over substitutes eventually led to their abolishment. Citizens were incensed at the apparent discrimination against the underprivileged while soldiers detested the substitutes. They did not have the spirit of a soldier; they were only in it for the money not for love of country. Furthermore, in the Confederacy, soldiers were paid eleven dollars a month.¹³ It infuriated them that patriots were compensated so poorly while substitutes were enjoying colossal salaries. Soldiers considered substitutes to be cowards who had no fighting spirit and who were not prepared for war.¹⁴

¹¹ Moore, *Conscription and Conflict in the Confederacy*. 29.

¹² Ibid. 29.

¹³ Ibid. 50.

¹⁴ Ibid. 50.

Another issue many had with the draft was its constitutionality. One main reason the South had seceded from the North was over the issue of state's rights. Southerners believed in a very limited central government with more power to the states, unlike the North, which favored federal power. When the Confederate government in Richmond demanded men for the war, the states were more than upset especially if they had filled their quotas and were made to draft even more men. They saw this as a violation of their sovereignty. No one spoke out against the legality of conscription more than Georgia governor Joseph Brown. Brown was deeply concerned that the CSA government was asking too much of the states by demanding men. In his opinion, they were robbing the states of their individual manpower for production and were, in essence, conscripting every person into the army. Moreover, the Confederate home front was greatly hurting from a drought, soaring food prices, and lack of able-bodied men to farm and harvest food. Brown and North Carolina governor Zebulon Vance were the leaders in anti-draft opposition and also both created programs to help the population at home. Both men also granted men exemptions by making them civil servants and found other ways to stop men from compulsory service. One CSA general commented that the North Carolina and Georgia militia were composed of "three field officers, four staff officers, ten captains, thirty lieutenants, and one private with a misery in his bowels."¹⁵ Vance and Brown actively worked against the draft and the federal government. Publicly, Brown declared the draft unconstitutional in his address to the state legislature:

If conscription were constitutional as a means of raising armies by the Confederate government, it could not be constitutional to conscribe those not *actually* needed, and to be *employed* in the army, and the constitutional power to "raise armies", could never carry with it the power in Congress to conscribe the

¹⁵ McPherson, *Battle Cry of Freedom*. 431.

whole people, who are not needed for the armies, but are left at home, because more useful there, and place them under military government and compel them to get military details to plough in their fields, shoe their farm horses, or to go to mill. Conscription carried to this extent, is the essence of military despotism; placing all civil rights in a state of subordination to military power, and putting the personal freedom of each individual, in civil life, at the will of the chief of the military power.¹⁶

Obviously, his statements about the federal government's conscription act show just how high discontent went. Although all southerners wanted to win the war, they could not agree on how best to raise a fighting force while adhering to their founding principals.

On the home front, women were fighting against the draft as well. Conditions were dire in the CSA. The Union had blockaded their ports; there was a drought which caused major food shortages; the men were off on distant battlefields; there was limited supplies; and the government had no liquid assets. All of these exacerbated class tensions and women were not easily quieted. Bread riots occurred where women would smash the windows out of shops they deemed to be charging unfair prices and they would steal food to feed their families. They were vocal in their cause and felt firsthand how the CSA home front was suffering. The men in the battlefield were dying and conditions at home were just as bad. The mixed legislation and confusion over the war's cause were maddening.

Originally, the South seceded to protect state's rights, their way of life, and slavery. Throughout the war, state's rights had been in jeopardy because of the federal draft. During the war, they had no way of life. The men were gone and they could not

¹⁶ Joseph E. Brown, *Upon the Currency Act; secret session of Congress; the late Conscription Act; the unconstitutionality of the act suspending the privilege of the writ of habeas corpus, in cases of illegal arrests made by the president; the causes of the war and manner of conducting it; and the terms upon which peace should be sought, &C.*, (Milledgeville: Boughton, Nisbet, Barnes & Moore, State Printer, 1864).12.

produce enough food to feed their nation. Furthermore, the Cotton Embargo of 1861 and 1862 (where they refused to sell their cash crop to France and Britain in hopes that it would force them to enter the war on the CSA's side) was a massive failure and the Union blockade stopped their exportation and trade.¹⁷ To add insult to injury, the South was under occupation in many areas by the Union at war's close. Their homes and land were the battlefield. Also, on March 13, 1865, the Confederacy granted slaves the rights to bear arms and fight for the Confederacy in exchange for their freedom.¹⁸ So they did not fight for their slave institution? What was the fight for? Confederate nationalism and cause, which was so strong at the beginning of the war, collapsed.

While the Union did have more manpower and many war volunteers, they too had to institute a national draft that faced as much opposition and as many problems as in the South. This was most likely because they were losing men faster than volunteers could fill their spots. Not only were huge numbers of men dying in battle and from disease, desertion was widespread in the Union and was much worse than in the Confederacy.¹⁹ The first conscription act for the Union came in 1862 with the Militia Act. This legislation was a threat to the states to fill their quotas. The Militia Act granted Union president Abraham Lincoln the power to call up the state militias for nine months; this was a sort of quasi-draft. The goal was to force the states to enlist more volunteers less it would be done for them.²⁰

¹⁷ McPherson, *Battle Cry of Freedom*. 610.

¹⁸ Ibid.

¹⁹ Joan E. Cashin, *This War Was You and Me* (Princeton: Princeton University Press, 2002). 263.

²⁰ McPherson, *Battle Cry of Freedom: The Civil War Era*. 492.

Conscription was taken one step further on March 3, 1863. All male citizens and foreigners who had declared under oath their intention to become U.S. citizens between the ages of twenty and forty-five were to sign up for the draft.²¹ Three and a half million men were on the draft list and there was a one in eleven or twelve chance of being chosen to serve.²² In all, fewer than five hundred thousand men were conscripted in the Union Army during the war. The military was still mainly comprised of volunteers.²³

To increase enrollment, a carrot and stick method was established. The carrot was a bounty; the government would give a volunteer twenty-five dollars upfront upon enlistment and then an additional seventy-five dollars when they were honorably discharged.²⁴ This gave men an incentive to join the forces and to avoid the stick, or the draft. Conscription would lead to no bounties and many men chose the carrot.

Just as in the Confederacy, men could pay for substitutes to take their place in the action. These substitutes could charge whatever they wished for their services and many men paid thousands of dollars to avoid going to war. In all, one hundred and one thousand four hundred and thirty one substitutes were hired during the Civil War on the Union side.²⁵ Substitution caused similar problems in the North as it did in the South, although not the same extent. Some soldiers resented the substitutes for their comfortable

²¹ Dethloff and Shenk. *Citizen and Soldier*. 41.

²² Carl Russell Fish, "Conscription in the Civil War," *American Historical Review*, 21, no. 1 (1915), <www.jstor.org.proxy.bsu.edu/stable/1836704?seq=4>.

²³ Eugene Converse Murdock, *Patriotism Limited: 1862-1865, the Civil War Draft and the Bounty System*, (Kent: Kent State University Press, 1967).18.

²⁴ McPherson, *Battle Cry of Freedom*. 492

²⁵ Fish, "Conscription in the Civil War."

salary when soldiers were paid only thirteen dollars a month or one hundred and fifty-six dollars a year.²⁶

Despite this difference in earnings, there was less contention than in the South over substitutes because all who volunteered for the North (except for substitutes) were given bounties. As mentioned before, bounties were the carrot given to many volunteers and were essential in raising an army. Bounties were “responsible for raising men, especially from the fall of 1863 to April 1864, and from the summer of 1864 to the end of the war.”²⁷ Most soldiers were paid three levels of bounties, including money from their local government, their home state, and the federal government. The federal government paid flat bounties of one, two, and three hundred dollars for one, two, and three-year enlistments respectively; negro volunteers would be paid a fee of ten dollars no matter how long their volunteer service.²⁸ Local governments wanted to entice citizens to register for the military so that they would not be forced to use the draft to fill their quotas. They would raise money and pay their volunteers as much as possible. The amounts paid varied greatly from city to city. For example, Rhode Island towns offered three hundred and fifty dollars and others offered as low as twenty-five.²⁹ Therefore, any volunteer could combine all three levels of bounties including local, state, and national and the amount of money could be incentive enough to enlist.

²⁶ James W. Geary, "Civil War Conscription in the North: a historiographical review," *Civil War History*, 32, no. 3 (1986): 2008-228, <muse.jhu.edu.proxy.bsu.edu/journals/civil_war_history/summary/v032/32.3.geary.html>. (accessed October 10, 2013).

²⁷ Ibid.

²⁸ Murdock, *Patriotism Limited*. 19.

²⁹ Ibid. 20.

Communities opposed the draft and many raised large sums for the bounties. The funds were gathered from private donations and, most importantly, “bounty bonds.” These bonds were issued to individuals and when they expired, the county would usually use real estate taxes to pay them back.³⁰ Bounty rivalries between districts soon began and bounty wars started. Each district would try to have the highest bounty so that they would attract volunteers and fulfill their quotas. Soon, state governments intervened and set bounty ceilings so that this was stopped.³¹

Soon, other problems arose with the Union bounty system. Wartime profiteers emerged with bounty jumping systems. The federal and state bounties, which were flat rates, were not given to soldiers upon their enlistment. One had to actually be in the military to get the payment as opposed to local bounties, which were not at a set price, that were given to individuals as soon as they enlisted.³² Many men would record assumed names, take their bounty money, and desert at first chance or never show up for duty. They would go across the country, research areas with high bounties, and re-enlist. These bounty jumpers posed a major problem for the North. They needed men and the towns needed their bounty money to fill their quotas so that they would not have to institute the draft.

Some men avoided the war by avoiding the draft completely. These men who were called to arms by the draft and never reported for duty were arrested and fined or sometimes imprisoned. However, there were many draft dodgers who simply got away. There was no identification system at that time so men would relocate or leave the

³⁰ Ibid. 34.

³¹ Ibid. 29.

³² Ibid. 20.

country to sidestep the war. Moreover, there was a loophole in the way the Enrollment Act of 1862 was written. The legislation declared that resisting the draft was a crime, however, it did not say that failing to enroll was a crime.³³ This led to many simply not enrolling for the draft and there was nothing the federal government could do because this was not a crime according to the Enrollment Act.

If drafted under the 1862 law, Union men also had the option to pay a commutation fee of three hundred dollars. This was an option that many took and, in the end, it actually hurt the war effort because the Union needed men much more than money.³⁴ In 1864, the law was changed so that the fee could only be used to defer from the war one draft round, not for three years which was the mandatory term of service. Therefore, if one's name was drawn again after he paid the three hundred dollars, he would have to report for duty.³⁵

Three hundred dollars was incredibly costly at this time. The average yearly wage for civilians in 1861 was three hundred dollars and in 1864 it was four hundred dollars.³⁶ This meant to avoid war, one had to spend an entire year's wages. Soon after the Enrollment Act was enacted, clubs and organizations were formed to buy members out of the draft. A club would have a fee or dues that were more manageable than the three hundred dollars and if a member's name were called in the draft, the club would pay his

³³ Ibid. 46.

³⁴ Geary, "Civil War Conscription in the North."

³⁵ Ibid.

³⁶ Ibid.

three hundred dollar avoidance fee.³⁷ Essentially, this was a form of insurance against the draft.

Because three hundred dollars was an average laborer's yearly wages, this section of the law was considered grossly unjust and biased. With a popular slogan being "300 or Your Life!" many claimed it was blatantly discriminative against the lower class.³⁸ This law and its effects were seen in most notably in New York City where a terrible draft riot that cost many lives and property destruction. In July of 1863, a new draft was going to be called and residents were incredibly hostile to it. The Enrollment Act shone a light on race and class relations like never before.

On July 13, 1863, a mob of hostile white workers who considered the law unfair wrecked havoc on the city of New York. These people, many of them Irish immigrants, were angered not only with the three hundred dollar clause, but also with the way the law was written. The Enrollment Act stated that "all able-bodied citizens of the United States" were to enroll for the draft; it did not mention black men in the North who were not considered citizens at this time.³⁹ The Emancipation Proclamation had gone into effect on January 1, 1863; however, it only freed slaves in the seceded states not the ones that remained with the Union. Therefore, blacks were still not considered citizens in the North at this time. Not only did the proclamation heighten racial tensions, it gave Democrats ammunition against the administration. Democrats accused Lincoln of being a "black Republican" who was sending an entire nation to war for the sake of abolition.

³⁷ Fish, "Conscription in the Civil War."

³⁸ Geary, "Civil War Conscription in the North"

³⁹ Iver Bernstein, *The New York City Draft Riots*, (New York City: Oxford University Press, 1990).11-12.

This outraged many white laborers because they thought it unjust to fight a war to help abolish slavery while black men were not forced to enroll in the draft like white men according to the law. Also, many of these white laborers were concerned that when they left for war, even more black laborers would migrate north and steal their jobs.

For five days in July, the armed mob disrupted the draft calls by destroying local institutions of the Republican Party.⁴⁰ At this time, New York City had a majority of Democrats and an incredibly vast and poor immigrant population. To stop President Lincoln's draft, they forced factories to close, destroyed telegraph lines, and threatened railway lines, streetcars, ferries and bridges.⁴¹ Soon the violence escalated and turned into a race riot with poor whites terrorizing the black working population. This resulted in the deaths of at least 105 people and roughly one to five million dollars in property damage.⁴² Draft offices, government buildings, and homes of prominent Republicans and abolitionists were targeted. The mob burned the Colored Orphan Asylum to the ground as well. Random attacks were committed against blacks and prominent looking white men as well.⁴³ The New York City police department tried to hold off the mobs, but it took the War Department and several regiments to stop the rioters. The draft was carried out with the help of 20,000 armed men; however, the city council raised money and paid for all the commutation fees of all drafted men.⁴⁴ This civil insurrection was incredibly devastating and was the largest display of hostility against the draft in U.S. history.

⁴⁰ Ibid. 3.

⁴¹ Ibid.6.

⁴² Ibid. 5.

⁴³ McPherson, *Battle Cry of Freedom*. 610.

⁴⁴ Ibid. 610-611.

Other uprisings occurred, although not to the same extent as the New York City Draft Riots, that showed civil discontent with conscription. Throughout the North, there was much resentment towards the war and the draft, especially in border states that were on the lines between the two countries and identified with both. There was open, sustained resistance against the draft and this manifested into violence against the induction board officers. Mobs formed when enrollment officers came to town and these officials were often assaulted and driven out of town. In 1863, records show that four enrollment officers died from these mobs; two died in 1864; and one was killed in 1865.⁴⁵

Abraham Lincoln called this resistance as “fire in the rear” and was concerned with how the violence and opposition would affect the cause.⁴⁶ Lincoln approved several different public intimidation techniques including “Rogue’s March” where bounty-jumpers were marched through downtown Indianapolis, Indiana with placards around their necks that signified their disgrace. The government’s goal was to intimidate draft resisters and deserters along with those civilians aiding them. Despite these public shamings, the opposition was not deterred especially in the border states including Indiana, Illinois, Ohio, Iowa, and parts of Pennsylvania and West Virginia. Petty violence such as shouting matches that turned into fistfights would regularly occur between those supportive of Lincoln and those against the draft and the war. In Galion, Ohio, a swarm of anti-Union men formed and threatened to burn the houses of all Republicans in town. In Noble County, Ohio mobs drove Lincoln supporters from their homes and assaulted several men, including a disabled man.

⁴⁵ Cashin, *This War Was You and Me*. 273.

⁴⁶ Ibid. 276-277.

These states were the home to many Copperheads, or Peace Democrats, who were anti-war, anti-draft, and most were anti-black. Copperheads “opposed the war as unconstitutional, rejected the draft because it threatened to make cannon fodder of them in a war they opposed, and objected to emancipation because it overturned white supremacy.”⁴⁷ Copperheads had a great stronghold in Indiana and many Indiana towns saw draft violence. One example of this violence is seen in the case of James Sill. Sill was an enrolling officer in the Seventh Congressional District and was to deliver the enrollment when he saw a mob forming outside his house. He hid the enrollment papers and he and his daughter were held at gunpoint. Cunningly, Sill gave the mob the papers from the previous year and avoided death.⁴⁸

Men were not the only ones in the Union who actively showed their distaste for the war and the draft. Women would also fight back against draft enrollment officers and Union-loyalists. Many women believed that the draft threatened their families’ welfare. Some would alert men would draft agents came to town; others helped hide deserters and men who were dodging conscription. Other women even resorted to small-scale violence and would assault draft officials by throwing eggs at them, pouring hot water on them, or by pulling their hair.⁴⁹ A few radicals even took up arms to protect their husbands and sons.

Hatred of the draft, the government, and the war ran deep all over the North. It was not just a small number of individuals that were unsupportive. Lincoln had to fight a

⁴⁷ Nicole Etcheson, *A Generation at War: the Civil War Era in a Northern Community*, (Lawrence: University Press of Kansas, 2011).100

⁴⁸ Ibid. 109-110.

⁴⁹ Cashin, *This War Was You and Me*, 275.

war on two fronts--at home and against the Confederates. His national draft was met with heavy opposition and many were willing to kill to keep their name from being pulled from the ballot box. Others were less aggressive and passively fought the draft by hiring substitutes, paying the three hundred dollar fee, or by deserting. Wartime profiteers were also a huge problem for Lincoln who to deal with a depleting army and men who were deserting quickly after receiving bounties. The home front resistance to the war and, most importantly, the draft were huge influences of wartime politics and legislation as well as civilian patriotism and support of the war.

When citizens are not completely supportive of a war or its causes, it can become particularly hard to raise a volunteer army that has the manpower necessary to win. This was exemplified in the Civil War's use of the draft for both sides. However, many other presidents were forced to call on the draft to increase their fighting forces in several wars. In the wars between the Civil War and the Vietnam War, drafts were called and men went to war. Unlike their predecessor and successor, these wars were usually supported on a large scale and demonstrations against conscription were far fewer. It was not until the Vietnam War that citizens spoke out against the war as ferociously as they had against the Civil War.

As in the Civil War, Americans of the Vietnam era were often unsure about the military aims of the military conflict. During the Civil War, people were confused if they were fighting to defend the Union, for states' rights, for abolition, for slavery, or the sovereignty of territories in the West. There was no clear objective. This was similar in the Vietnam War. Were Americans fighting and dying to stop Soviet influence at the height of the Cold War? Was it to spread democracy? Was it to keep the "domino" up

and to stop the spread of communism? Was it to liberate a persecuted people in South Vietnam? No one knew. There was no unified cause. Men were not fighting against the evils that bombed Pearl Harbor or the man that was slaughtering an entire population of Jews. This made it incredibly difficult to rally behind the cause and to enrage individuals enough to stand up and accept the call to arms. Therefore, the United States again had to resort to a draft; and this time, like in the Civil War, conscription faced hard opposition.

During the Vietnam War, 26,800,000 men came of draft age. These were men who turned eighteen between August 4, 1966, when the Vietnam War officially started with the Gulf of Tonkin Resolution, and March 28, 1973 when the last American troops left Vietnam.⁵⁰ While 2,215,000 were drafted into service, the entire Vietnam generation was affected by the possibility of going to war; the Washington Post called it “a generation-wide catastrophe.”⁵¹

Not all who served were drafted; 8,720,000 men enlisted and volunteered their service.⁵² So while the military was largely volunteers, there was a sizeable percentage consisted of men forced to enlist. Men who enlisted willingly were usually given more desirable assignments and most draftees were inducted into the Army and would eventually serve as infantry riflemen. Because these men were on the front lines, they were often more likely to die, and, at the height of the war, draftees were killed at twice the rate of volunteers.⁵³

⁵⁰ Lawrence M. Baskir, and William A. Strauss, *Chance and Circumstance: the Draft, the War, and the Vietnam Generation*, (New York City: Alfred A Knopf Inc. , 1978), 3.

⁵¹ Ibid. xii.

⁵² Ibid. Figure 1. 5.

⁵³ Ibid. 55.

As the war in Vietnam escalated, the military needed new boots on the ground. Fortunately for the government, the baby boomers were just coming of age and an entire generation of draft-age men was readily available for the war department. While 8,720,000 did enlist, the numbers were not enough. In 1966, Defense Secretary Robert McNamara implemented a plan called “Project 100,000” to enlist more draftees from disadvantaged backgrounds. This was the real first public relations disaster of the war that got individuals up in arms about the draft. His project lowered the mental and physical standards for enlistment; this resulted in an increase of forty percent for African American induction into the military.⁵⁴ This enraged the public, who claimed that this was incredibly unjust because the poor, the uneducated, and African Americans were suffering higher casualty rates than the privileged.

African Americans’ share of combat casualties grew thirty-one percent over the course of the fighting and made up twelve percent of all combat troops by war’s end.⁵⁵ Furthermore, low-income individuals were twice as likely to be drafted into the war and subsequently made into infantry men to see combat. A low-income male had a nineteen percent chance of being drafted and a fifteen percent chance of being placed in a combat division; whereas a high-income male had a nine percent chance of being drafted and a seven percent chance of serving combat.⁵⁶ Clearly, the less educated, poor income, and African American young men were the ones who bore the brunt of the Vietnam War.

Conscription affected all individuals of the Vietnam generation. The threat of being drafted was very real and many took steps to avoid going to war at all costs. Of the

⁵⁴ Dethloff and Shenk. *Citizen and Soldier*. 133-134.

⁵⁵ Baskir, and Strauss, *Chance and Circumstance*. 8.

⁵⁶ Ibid. 9.

twenty-seven million men of draft age, sixty percent, approximately fifteen million, escaped enlistment by completely legal means.⁵⁷ Popular culture frequently calls attention to draft dodgers from the Vietnam era who left the country and escaped to Canada; and there were roughly 30,000 to 50,000 men who fled to exile.⁵⁸ However, many more evaded by legal means and exemptions.

Of the 26,800,000 draft-age men, 15,980,000 never served.⁵⁹ Roughly 15,410,000 of those men were deferred, exempted, or disqualified. Many of these men took active steps to avoid war including furthering their education, marrying and having children, or by qualifying themselves as conscientious objectors. During the Vietnam War, one could get a student deferment by keeping a high grade point average, usually one had to be ranked in the top half of the class, and remaining in good favor with his university.⁶⁰ Professors who were against the war or against the draft would sometimes help struggling students by padding their grades and soon the grading scale became known as “A, B, C, D, and Nam.”⁶¹ Over the course of the war, 371,000 student deferments were granted.⁶² Universities and colleges flooded with students all looking for an education to keep them out of Vietnam. College enrollment increased seven percent during the late 1960s and five percent of students changed their courses of study to remain in school longer.⁶³ Moreover, graduate school enrollment increased as well.

⁵⁷ Ibid. xi.

⁵⁸ Eric Foner, and John A. Garraty, *The Reader's Companion to American History: Conscription*, (Boston: Houghton Mifflin, 1991) (accessed October 10, 2013).

⁵⁹ Baskir, and Strauss, *Chance and Circumstance*, Figure 1. 5.

⁶⁰ Dethloff and Shenk. *Citizen and Soldier*. 138.

⁶¹ Baskir, and Strauss, *Chance and Circumstance*. 36.

⁶² Ibid. 31.

⁶³ Ibid. 29.

Some who did not have the income or the means to attend post-secondary school took other active steps to evade the military. What is known as “marrying-out” or “babying-out” were other popular means of avoidance. Exemptions or better assignments if they were drafted were given to married men or fathers. Rushed marriages and planned pregnancy increased during the war. For twenty and twenty-one year olds, marriage rates increased by ten percent and three out of ten men admitted that choosing to have children was influenced by the draft.⁶⁴ Estimates of 2,420,000 men were exempted because of marriage, fatherhood, and hardship.⁶⁵

Others were excused from service due to family dependency, physical and mental health, or their status as an overseas resident. Some men were exempted from the draft if they were sole-surviving sons who were the primary providers for their families. Furthermore, the induction board exams were used to screen out those who were unfit physically or mentally and nearly one half of all who were called for examinations were exempted. Physical ailments that would exempt an individual included: trick knees, flat feet, skin rashes, wearing braces, bone and joint injuries, nausea, wringing ears, dizziness, and homosexuality.⁶⁶ It is quite clear that some of these were easy to fake and many men did to avoid induction.

While many men found legal ways to avoid conscription, others resorted to not-so-legal tactics. Of the 15,980,000 men who did not serve in Vietnam, 570,000 were draft offenders. Of these, 209,517 were accused and only 8,750 were convicted.⁶⁷ Some men

⁶⁴ Ibid. 33.

⁶⁵ Ibid. 31.

⁶⁶ Ibid. 43.

⁶⁷ Ibid. Figure 1. 5.

used the induction board exams as their escape and would fake physical problems by aggravating pre-existing respiratory problems, injuring themselves, gaining or losing weight so that they would not fit military requirements, deviating one's own septum, or removing toes or fingers.⁶⁸ Others, often lower-income, would simply refuse to register and hope they were not caught.

Those individuals with more economic means would pay for their deferments by buying off doctors, lawyers, and counselors that specialized in acquiring exemptions. One Los Angeles lawyer advertised, "If you got the dough, you don't have to go!" and charged anywhere between two hundred and one thousand dollars per exemption. As mentioned previously, wearing braces was enough for an exemption and many dentists would put braces on individuals that did not require them for handsome fees in the thousands.⁶⁹

Professional counselors were specialized in obtaining "Conscientious Objector" status for individuals. This status had long been in practice for those practicing in pacifist religions such as Jehovah's Witnesses and Quakers. However, in 1965, a Supreme Court case changed the meaning of conscientious objector. Prior to the 1965 case, *Seeger vs. United States*, the status of conscientious objectors applied only to those in a practicing faith that was abhorrently against violence. The 1965 ruling made it so that the exemption could be given to those with non-orthodox beliefs as long as it had no political, sociological, or philosophical views as its base. Basically, one did not have to be a practicing member of a pacifist religion to be exempt; however, they must be fervent in

⁶⁸ Ibid. 34.

⁶⁹ Ibid. 39-42.

their beliefs to the same level as those in pacifist religions. Furthermore, their views cannot be based politically, sociologically, or philosophically; they must be spiritually based.⁷⁰

Many saw conscientious objection as an easy way to avoid the draft. Therefore, the government asked conscientious objectors, or COs, to perform an alternate form of service such as working as a hospital orderly or as conservation workers. Over the course of the war, 172,000 conscientious objectors were forced into alternate service and refusing to do so was considered a federal crime.⁷¹ However, the vast number of COs was too difficult to properly manage and enforcing their alternate service became nearly impossible.

Some would not try to get deferments or exemptions; instead they faced the war machine head on. In 1964, the first public draft card burning took place in New York City. Twelve students burned their draft cards in a demonstration against the draft and the war at a rally. The slogan “We Won’t Go!” was born at this rally and soon many other card-burning incidents took place. These card-burning demonstrations received national media attention and showed many young peoples’ resolve. To put a stop to these protests, Congress made draft card-burning a crime that was punishable by law and could result in an individual’s imprisonment for five years.⁷² Despite the new legislation, many took it to higher extremes and vandalized draft boards or raided them and destroyed draft records. Others showed their displeasure with the draft by participating in sit-ins and civil

⁷⁰ Ibid.41.

⁷¹ Ibid. 41.

⁷² Ibid. 65-66.

disobedience misdemeanors. Draft offenders overwhelmed the judicial branch, and only 10,000 out of 210,000 were convicted.⁷³

Then, of course, there were deserters. Those individuals have become synonymous with the Vietnam War; and the flight to Canada has become so popular one would believe that half of all draftees fled. However, roughly 50,000 men left the country when they were chosen to go to war.⁷⁴ Most, about three-fifths, did in fact go to Canada and the others went to Mexico, Sweden, or stayed underground in America with altered identities or in secluded areas where they could not be found. “America, take it or leave it” was a popular bumper sticker in the late 1960s and early 1970s that was a direct jab to all deserters. After the war, approximately seventy-five percent of the deserters returned to America despite legal consequences.⁷⁵

The Vietnam Era has been shown through the media and popular culture as a time of great unrest with the government butting heads with the Anti-War Movement and the young people that headed it. Indeed, these two ideas of increased military involvement and peace were at odds; however, like the Civil War, there was no united front against the war. There were individuals who sometimes formed into larger groups, but for the most part, people found ways to protest on their own. Some began peaceful letter-writing campaigns and others formed large, loud organizations like the SDS (Students for a Democratic Society).

⁷³ Ibid.67-82.

⁷⁴ Ibid. 169.

⁷⁵ Ibid. 185

Just as the Border South bred opposition during the Civil War, college campuses fueled anti-war sentiments in the 1960s and 1970s. When a graduate walked across the stage to receive his diploma, he also knew that he was losing his student deferment and his safety net from the draft. This led to fierce resistance from college students who were against the war, but most importantly the draft. Draft resistance reached its ultimate height after the Tet Offensive of 1968 when the Vietnamese ambushed American military bases and camps across Southern Vietnam. The media created quite a stir, as they were there to capture and spin every moment of the attacks and the aftermath. Soon applications for conscientious objector status outnumbered draftees and the government was so overwhelmed with draft evaders and the resistance movement that there were too many people to prosecute and the government fell behind and soon gave up in its quest to squash rebellion. Of the 209,517 accused of offending the draft and impeding the government, 3,750 were sentenced to prison terms and roughly 5,500 were put on probation.⁷⁶

Obviously the Selective Service System was completely unsuccessful. It did not fail in its attempt to force men into service; however, it created a culture of opposition and resentment. For those who were conscripted and forced to go to Vietnam, they returned home to a nation that was completely divided and unsupportive as well as unappreciative. Even those who managed to escape the draft resented the government for threatening them with the possibility of going to war. Others had changed their whole lives to avoid war by getting rushed marriages or by having children long before they were ready.

⁷⁶ Ibid. Figure 1. 5.

In 1973, President Nixon ended the draft and passed legislation for an all-volunteer army. This is still in place today and it makes it so that every individual must register for the draft at the age of eighteen and remain on the list until he or she is twenty-five.⁷⁷ The military is now completely comprised of volunteers and the draft enrollment is purely for precaution in case it is ever made necessary again.

The American Civil War and the Vietnam War both made victims out of the young men who were forced to serve due to the draft; furthermore, these wars created a hostile home front where neighbor was pinned against neighbor and brother was at odds with brother. These two great wars required a large fighting force that was not adequately filled by volunteers and the national draft was instituted. Unlike other wars where conscription was used, these two wars created heavy opposition to the system because there was no unity on the home fronts and there was no united cause in which people could rally upon. This led to draft evasion, loss of patriotism, and civil unrest. The heights that these two wars reached in these aspects is unmatched in any other American war and it makes them acutely unique while being deeply related and similar.

Today, there are many debates over conscription. Because of recent and noticeable problems in the United States (including national debt, partisanship, and stalemates in Congress), some have mentioned the call for compulsory military service. These problems and that possible solution may seem unrelated; however, some believe that the nation's lack of leaders with military service is what is hurting the U.S. The country's leaders lack the military's training and belief in country before self and service before self-interest. In 1977 and 1978, seventy-seven percent of Congress members were

⁷⁷ Dethloff and Shenk. *Citizen and Soldier*. 142.

veterans. Today, only nineteen percent have served.⁷⁸ Do the problems correlate with lack of service? Will this lead to another war where the rich declare it and the poor fight it? The problems of conscription are still here. Whether it be for or against, both sides have merit. The benefits of a draft include making future leaders who have actual knowledge of the military and its capabilities, giving youths jobs and knowledge, helping social tensions by forcing every person to serve, and giving everyone a sense of patriotism and duty. From what one can learn from the Civil War and the Vietnam War, without a unifying cause and support, the draft only splits the rich and poor, questions the foundation of civil liberty, and hurts the war effort. Perhaps a truly democratic nation cannot have a draft if it wishes to uphold its citizens' rights; but a nation of influence and power will always go to war to protect itself and its interests.

⁷⁸ Dana Millbank, "Save America: Restore the Draft," *The Washington Post*, Nov, 29 (2013), (accessed December 10, 2013).

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